

OCT 22 2004

WOOD, HERRON & EVANS, L.L.P.

BRUCE TITTEL
DONALD F. FREI
DAVID J. JOSEPHIC
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKE, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACOBS
KURT A. SUMME
KEVIN G. ROONEY
KEITH R. HAUPT
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
SCOTT A. STINEBRUNER
DAVID H. BRINKMAN
BEVERLY A. LYMAN, PH.D.

OF COUNSEL
JOHN D. POFFENBERGER
THOMAS W. FLYNN

2700 CAREW TOWER
441 VINE STREET
CINCINNATI, OHIO 45202-2917
TELEPHONE: 513-241-2324
FACSIMILE: 513-241-6234
EMAIL: info@whpatent.com
PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
TRUMAN A. HERRON 1935-1978
EDWARD B. EVANS 1936-1971

October 22, 2004

JOSEPH R. JORDAN
C. RICHARD EBY
DAVID E. PRITCHARD
J. DWIGHT POFFENBERGER, JR.
KATHRYN E. SMITH
KRISTI L. DAVIDSON
P. ANDREW BLATT, PH.D.
DAVID E. JEFFERIES
WILLIAM R. ALLEN, PH.D.
JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATZ
DAVID W. DORTON
SARAH OTTE GRABER
STEVEN W. BENINTENDI, PH.D.
RANDALL S. JACKSON, JR.
TECHNICAL ADVISORS
HENRY M. LABODA, PH.D.

FACSIMILE COVER SHEET

To: Examiner Hussein A. El-chanti
Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

Fax: 703-872-9306

Enclosures:

Fax Cover Sheet containing Certificate of
Facsimile Transmission (1 page)
Notice of Appeal containing Certificate of
Facsimile Transmission and Authorization
to Charge Deposit Account 23-3000 in the
amount of \$340.00 for the Fee (1 page)

From: Scott A. Stinebruner
Reg. No. 38,323
Re: U.S. Patent Application
Serial No. 09/732189
Filed: December 7, 2000
Applicant: Robert Miller
Art Unit: 2157
Confirmation No.: 1431
Our Ref: IBM/151

Pages: 2 (including cover sheet)

**MESSAGE/COMMENTS
OFFICIAL****CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that this correspondence and the enclosures noted herein (2 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Robert Miller, Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22213-1450 at 703-872-9306 on October 22, 2004.

Judith L. Volk
Judith L. Volk

October 22, 2004
Date

The information in this facsimile message is ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL INFORMATION intended only for the use of the individual or entity to whom this message is addressed. If the reader of this message is not the intended recipient or the employee or agent responsible for delivering it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone and return the original message to us at the above address via mail. Thank you. If transmission is interrupted or of poor quality, please notify us immediately by calling (513) 241-2324 and ask for the sender's assistant. OUR FAX NUMBER IS (513) 241-6234.

OCT 22 2004

PATENT

Attorney Docket No. IBM/151
Confirmation No. 1431

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert Miller Art Unit: 2157
Serial No.: 09/732,189 Examiner: Hussein A. El-chanti
Filed: December 7, 2000 Atty. Docket No.: IBM/151
For: PEER PROTOCOL STATUS QUERY IN CLUSTERED COMPUTER SYSTEM

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

NOTICE OF APPEAL FROM
THE PRIMARY EXAMINER TO THE BOARD OF APPEALS

Applicant hereby appeals to the Board of Appeals from the decision of the Primary Examiner mailed **July 23, 2004** finally rejecting claims 1-26.

The item(s) checked below are appropriate:

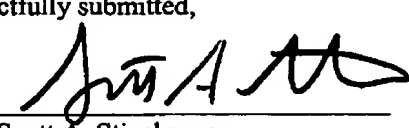
1. ☐ Applicant hereby petitions for a month extension of time to reply to the final rejection.
A check in the amount of \$ is attached.

2. ☒ Appeal Fee: XXX Other than a small entity Fee: \$340.00
 Small Entity Status previously Fee: \$
 Requested and is still proper
 Small Entity Status Requested Fee: \$

3. ☒ Payment

 Check attached for the sum of \$.
XXX Please charge the sum of \$340.00 and any deficiency or credit
any overpayment to Deposit Account No. 23-3000.

Respectfully submitted,

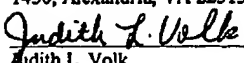
By: 
Scott A. Stinebruner
Reg. No. 38,323

Date: 22 OCT 2004

Wood, Herron & Evans, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202
Telephone: (513) 241-2324
Facsimile: (513) 241-6234

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (2 total pages, including cover sheet) are being transmitted via facsimile transmission to Examiner Hussein A. El-chanti, Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 703-872-9306 on October 22, 2004.

 October 22, 2004
Judith L. Volk Date

Page 1 of 1
Serial No. 09/732,189
IBM Docket ROC920000125US1
WH&E IBM/151
Notice of Appeal
X:\ibm\151\Notice of Appeal.wpd